

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

RUBY FREEMAN,

And

WANDREA MOSS

Plaintiffs,

v.

JAMES HOFT,

JOSEPH HOFT,

And

TGP COMMUNICATIONS, LLC
d/b/a The Gateway Pundit,

Defendants.

Cause No.

STATE COURT CAUSE NUMBER:
2122-CC09815, pending in the Circuit Court
of the City of Saint Louis, Missouri
Twenty-Second Judicial Circuit.

NOTICE OF REMOVAL

Defendant Joseph Hoft, by and through the undersigned attorney, pursuant to 28 U.S.C. §§ 1332 and 1441, files this Notice of Removal, hereby removing this action from the Circuit Court of the City of Saint Louis, Missouri, to the United States District Court of the Eastern District of Missouri, stating as follows:

STATE COURT PROCEEDING

1. Plaintiffs Ruby Freeman and Wandrea Moss filed this action on December 2, 2021, in the Circuit Court the City of Saint Louis, Missouri, 2122-CC09815.
2. Plaintiffs named Joseph Hoft, James Hoft, and TGP Communications, LLC d/b/a

The Gateway Pundit (“TGP”) as defendants.

DIVERSITY OF PARTIES

3. Ruby Freeman and Wandrea Moss are citizens of the state of **Georgia**.
4. Joseph Hoft is a citizen of the state of **Florida**.
5. Defendants James Hoft and TGP are citizens of the State of Missouri.

However, Defendants James Hoft and TGP have not yet been served with process in this matter.

6. Where diversity of citizenship exists between the Plaintiff and the Defendants, the forum defendant rule does not bar removal of the action, where the forum defendant has not yet been served. *Encompass Ins. Co. v. Stone Mansion Restaurant Inc.*, 902 F.3d 147, 153-54 (3d Cir. 2018); *Tillman v. BNSF Ry. Co.*, No. 1:20 CV 00178 SNLJ, 2021 WL 842600 (E.D. Mo. Mar. 5, 2021)

AMOUNT IN CONTROVERSY

7. Plaintiffs seek to recover for allegedly defamatory statements made by Defendants in a series of articles on The Gateway Pundit’s website. Plaintiffs were election workers in Fulton County, Georgia, and former President Trump alleged that the Plaintiffs committed voter fraud. Subsequently, Defendants published articles about the Plaintiffs. Plaintiffs allege Defendants instigated or “inspired” Gateway Pundit readers to threaten, intimidate, and harass them, which allegedly forced Plaintiffs to fear for their lives, temporarily move from their home, change their phone numbers, and delete their online accounts. Plaintiffs seek to recover compensatory damages, punitive damages, reasonable attorneys’ fees, reasonable and necessary costs of the suit, prejudgment and post-judgment interest at the highest lawful rates, declaratory relief, and injunctive relief.

8. Plaintiffs’ attorneys have coordinated closely with the media in bringing this suit

and have sought to maximize public exposure to sympathetic stories regarding the Plaintiffs, and demonizing Defendants in the most extreme ways possible. *See, for e.g., “Pro-Trump News Site Targets Election Workers, Inspiring Wave of Menace,”* <https://www.reuters.com/investigates/special-report/usa-election-threats-gatewaypundit/> (last accessed December 5, 2021); *“Trump Campaign Demonized Two Georgia Election Workers – and Death Threats Followed,”* <https://www.reuters.com/investigates/special-report/usa-election-threats-georgia/> (last accessed December 5, 2021); *“Two Georgia Election Workers Sue Far-Right Website Over False Fraud Allegations,”* (published on Dec. 2, 2021) <https://www.reuters.com/business/media-telecom/two-georgia-election-workers-sue-far-right-website-over-false-fraud-allegations-2021-12-02/> (last accessed Dec. 5, 2021). *“Two Election Workers Targeted by Pro-Trump Media Sue for Defamation,”* <https://www.nytimes.com/2021/12/02/us/politics/gateway-pundit-defamation-lawsuit.html> (last accessed December 5, 2021).

9. There are literally dozens of additional examples, including radio and television. Each of these articles above were published on the same date (Dec. 2, 2021) that Plaintiffs filed their lawsuit. However, drafting/investigation clearly began many weeks prior to the filing of the suit.¹ Notably, the Reuters articles went over the wire and were republished in newspapers across the nation.

10. Plaintiffs’ attorney’s fees in this matter – *which they seek as damages* - will be **enormous**. Plaintiffs have retained no fewer than four (4) law firms, the Media Freedom &

¹ For example, the author of the cited Reuters articles contacted Defendants for comment twenty-eight (28) days before the lawsuit was filed, and the articles were published. On December 3, 2021, the same author also published: “Facebook’s Struggle With Gateway Pundit Highlights Challenge of Containing Disinformation,” <https://www.reuters.com/business/media-telecom/facebook-struggle-with-gateway-pundit-highlights-challenge-containing-2021-12-03/> (last accessed Dec. 5, 2021).

Information Access Clinic at Yale Law School, ten (10) lawyers, and two (2) Yale law students to represent them.

11. Further, the attorney's fees are in addition to the compensatory damages, punitive damages, interest, and other financial relief sought by Plaintiffs.

12. Plaintiffs and their financial backers are clearly aiming to cripple Defendants by this suit.

13. The amount in controversy is plainly larger than \$75,000.

PROCEDURAL REQUIREMENTS FOR REMOVAL

14. This removal is timely as the state court action was filed on December 2, 2021, just before 9 a.m., and the matter is being removed on December 5, 2021.

15. A copy of the state court docket sheet and all filings to date, to the best of Defendant's knowledge, is attached as **Exhibit A**.

16. A copy of the state court Petition is attached as **Exhibit B**.

17. A listing of all pending motions from the state court is attached as **Exhibit C**.

18. This district's original filing form is attached as **Exhibit D**.

19. This district civil cover sheet is attached as **Exhibit E**.

20. As no defendant has been served in this matter, no consent of the other defendants pursuant to 28 U.S.C. § 1446(b)(2)(A) is required.

WHEREFORE, Defendant Joseph Hoft hereby removes this action to the United States District Court for the Eastern District of Missouri and requests any future relief that this Court deems appropriate and just.

Respectfully submitted,

/s/ John C. Burns

John C. Burns, #66462

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December 2020, the foregoing was filed electronically using the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record:

JAMES BENNETT

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Attorney for Plaintiff

/s/ John C. Burns